

(1989) 01 AHC CK 0038

Allahabad High Court (Lucknow Bench)

Case No: Writ Petition No. 5345 of 1988

Jagdamba Prasad Misra

APPELLANT

Vs

State of U.P.& Others

RESPONDENT

Date of Decision: Jan. 12, 1989

Acts Referred:

- Uttar Pradesh Industrial Disputes Act, 1947 - Section 4K

Hon'ble Judges: U.C.Srivastava, J and S.H.A.Raza, J

Final Decision: Allowed

Judgement

1. As only a short question is raised in this petition and no disputed questions of facts arise, we dispose of this petition finally.

2. Petitioner has prayed for a mandamus commanding the opposite party no. 1 to make a reference of the industrial dispute raised by the petitioner.

3. The petitioner was a conductor in U.P.S.R.T.C. & he was appointed in 1962 and thereafter was regularised in 1974 but vide order dated 24th February 1975 without holding an inquiry his services were terminated by way of punishment. The petitioner made representation to the superior authority but it was rejected. Thereafter he approached the Deputy General Manager but he could not get any response from him. Thereafter the petitioner moved to the conciliation officer who referred the matter to the State Government for making a reference as an industrial dispute. The State Government rejected the said recommendation made by the Conciliation Officer. The state Government passed a nonspeaking order. The Government ought to have given reasons for refusing the recommendation of the conciliation officer.

4. As such, the petition is allowed. State Government is directed to reconsider its order and decide the matter afresh within one month from the date of production of a copy of this order and in case it comes to the same conclusion it shall make a reference of the matter for being decided by the Labour Court as an industrial

dispute.

(Petition allowed)